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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,480	12/26/2000	Peter J. Kennedy	6169-141	4365

7590 08/09/2006
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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT PAPER NUMBER

2629

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/749,480	Applicant(s) KENNEDY ET AL.	
	Examiner Kimnhung Nguyen	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 22/5/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1,3-4, 6-10,12 and 14-25 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The claims 1, 3-12, 14-15 and 17-25 are pending.
The examination results are as following.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 6, 8-12, 14, 16-17, 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorfman et al. (US 6,029,214) in view of Murphy (US 6,411,283).

Regarding claims 1, 12, Dorfman et al. discloses in figs. 6-8, a computer based system having a touchscreen, a method comprising: detecting contact information specifying a size of the detected contact with the touchscreen (col. 10, lines 23-64); comparing said contact information corresponding to said detected contact criteria (see col. 13, lines 15-25); and based on said comparing of said contact information, wherein the distance is based upon the size of the detected contact (see fig. 4, 6E-6F).

However, Dorfman et al. does not disclose offsetting an on-screen pointer a distance from said detected contact.

Murphy discloses in fig. 7, the computer touch screen (100) having offsetting an on-screen pointer (102) a distance (R) from said detected contact (see col. 6, lines 27-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of offsetting an on-screen pointer (102) a distance from the detected contact as taught by Murphy into the computer system of Dorfman et al. because this would provide to the user an icon or other feature adjacent the edge of the screen and so that it could be varied depending on such factors a finger size and user preference and in which is more easily selected by the user (see col. 5, lines 30-35).

Regarding claim 3, Dorfman et al. discloses that the method, wherein said determined step comprises for said contact in formation consistent with said criteria corresponding to said finger contact, interpreting said detected contact as finger contact; and responsive to the detecting step, implementing a visual interface within the touchscreen configured for finger contact (see col. 11, lines 37-67).

Dorfman et al. does not disclose further an offsetting an on-screen pointer a predetermined distance from said detected contact such that the predetermined distance depends on whether the contact type is a finger contact.

Murphy discloses in fig. 7, the computer touch screen (100) having offsetting an on-screen pointer (102) a predetermined distance (R) from said detected contact (see col. 6, lines 27-36) such that the predetermined distance depends on whether the contact type is a finger contact (see the magnitude of the offset distance R is selected so that the cursor is positioned above the finger F and is thus visible to the user, see col. 8, lines 29-36) as discussed above.

Regarding claims 6, 17-18, Dorfman et al. discloses that the method further comprising detecting the duration of said contact (see col. 7, lines 16-43), or between the contact and second contact (see col. 7, lines 16-43).

Regarding claims 8-9, 19-20, Dorfman et al. discloses that the method, further comprising displaying an activated point in said touchscreen beneath said detect contact (see tactile, feedback, see col. 6, lines 61-67), and a converting pointer control information to text (see fig. 6E).

Regarding claims 10 and 21, Dorfman et al. discloses that the method, further comprising based on said determining step, presenting a visual interface in said touchscreen corresponding to visual interface in said touchscreen corresponding to said stylus contact (see col. 6, lines 51-67).

Regarding claim 14, Dorfman et al. discloses that the machine readable storage further comprises the step of for contact information consistent with said criteria corresponding to said finger contact, interpreting said detected contact as a finger contact (see col. 11, lines 37-67).

Regarding claims 22-23, Dorfman et al. discloses that the method, further comprising performing at least one programmatic action according to said determining step (see fig. 4).

Regarding claims 24-25, Dorfman et al. discloses that wherein the touchscreen is based upon a pressure stimulus, and wherein the detecting step is dependent in part upon an amount of pressure applied to the touchscreen (see fig. 6E).

4. Claims 4, 7, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorfman et al. (US 6,029,214) in view of Murphy (US 6,411,283) and in view of Thompson-Rohrlich (US 5,677,710).

Regarding claims 7, 18, Dorfman et al. and Murphy do not disclose an occurrence of a double-click event based upon whether the first contact and the second contact are each of a particular duration and whether the first contact and the second contact occur within a particular time frame of each other.

Thompson-Rohrlich discloses a system having an occurrence of a double-click event based upon whether the first contact and the second contact are each of a particular duration (see col. 10, lines 56-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of a double-click event based upon whether the first contact and the second contact are each of a particular duration as taught by Thompson-Rohrlich into the system of Dorfman et al. and Murphy because this would set the state of the modifier button had been clicked one or more than twice at the step of program and highlights the button on the computer screen to indicate the set state (see col. 10, lines 56-65).

Regarding claim 4 and 15, Dorfman et al. and Murphy do not disclose automatically enabling handwriting recognition software. Thompson-Rohrlich discloses a system having enabling handwriting recognition software (see col. 7, lines 43-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of recognition software as taught by Thompson-Rohrlich into the system of Dorfman et al. and Murphy because this would indicate the keypad in a command and provide to the user to receive quick visual feed on the character that the CPU recognized (see col. 7, lines 43-45).

Allowable Subject Matter

5. Claim 11 is allowed.

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6. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

None of the cited art teach or suggest for said contact information consistent with said contact criteria corresponding to finger contact, interpreting said detected contact as a finger contact and displaying an activated point in said touch screen beneath said detected contact; and for contact information consistent with said contact criteria corresponding to finger contact, offset an on screen point a distance from said contact point such that the distance varies depending on the size of said detected contact.

Response To Arguments

8. Applicant's arguments filed on 5/22/06 have been fully considered but they are not persuasive as explained in the previous office action and discussed above.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Corresponding

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimnhung Nguyen
August 3, 2006


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
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